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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,716	01/09/2002	Dan Bexten		7450
34055	7590	06/30/2004		
PERKINS COIE LLP POST OFFICE BOX 1208 SEATTLE, WA 98111-1208			EXAMINER STINSON, FRANKIE L	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/043,716	Applicant(s) BEXTEN ET AL.	
	Examiner FRANKIE L. STINSON	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-11, 14-18 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 and 27-29 is/are allowed.
- 6) ☒ Claim(s) 9-11, 14-18, 20-23, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/23/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 25, line 10, the phrase "the injection line" is without proper antecedent basis. However, for the purposes of examination, it has been assumed to reads as --the supply line--.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9, 10, 14-18, 20-23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn in view of either McNamara et al. or Murphy.

Re claims 9, 16 and 26, Flynn discloses in an apparatus for cleaning articles comprising a rotor (B) rotatably mounted within a chamber (A); an array of nozzles (C) arranged to spray fluid onto the article on the rotor; a control valve (43) connected by a fluid line to one or more of the nozzles; a water inlet line (36) for providing water to the control valve; a detergent source (51, I); and a detergent injection line (unnumbered) connecting the detergent source to the control valve that differs from the claims only in the recitation of the metering pump for metering detergent to the control valve at a controlled rate. The patents to McNamara and Murphy are each cited disclosing in an

apparatus for cleaning articles, a metering pump (34 in Murphy and 32 in McNamara) for feeding detergent at a control rate. It therefore would have been obvious to one having ordinary skill in the art to modify the apparatus of Flynn, to include a metering pump as taught by either McNamara or Murphy, for the purpose of controlling the amount of detergent provided to the cleaning a liquid, thereby ensuring a sufficient amount for proper cleaning and for the purpose of preventing the waste additives/chemicals by employing more than is needed (see McNamara, col. 5, lines 14-23). As for the cleaning flat media carriers, no patentable distinction is deemed to exist between the carrier as claimed and the article as taught by Flynn in that the body of the claims fails to recite any structure that would limit the apparatus for cleaning carrier only (see MPEP 2111.02 **EFFECT OF PREAMBLE**). The phrase has been considered a statement of intended use in the preamble. Re claim 10, Flynn discloses the housing surrounding the chamber. Re claims 14 and 20, Flynn discloses the recirculation (via J, 50). Re claims 15 and 18, Flynn inherently discloses the control valve as a mixing control valve. Claim 17 defines over Flynn only in the recitation of the flow meter. McNamara is again cited disclosing in a washing apparatus, a flow meter (54) for determining the flow of water therethrough. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Flynn, to include a flow meter as taught by McNamara, for the purpose of ascertaining the precise amount of water provided to the cleaning apparatus. Re claims 22 and 23, to employ one type of pump over another is deemed to be an obvious matter of design as per MPEP 2144.06, **SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE**. The pump as

claimed and that as disclosed by Flynn, as proposedly modified, are deemed to be functional equivalents of each other. Nonetheless, Murphy discloses the positive displacement pump (34). It therefore would have been obvious to one having ordinary skill in the art to provide Flynn with a pump as taught by Murphy for the purpose of precisely measuring the amount of detergent for sufficient and proper cleaning and for the purpose of preventing waste.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn in view of either McNamara et al. or Murphy as applied to claim 9 above, and further in view of either Lewis et al. or McMillan.

Claim 11 defines over Flynn only in the recitation of the booster pump. Lewis and McMillan are each cited disclosing the booster pump (106 in Lewis and see col. 8, lines 56-66 in McMillan) as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Flynn, to include a booster pump as taught by either Lewis or McMillan, for the purpose of ensuring proper pressure in the lines for effective washing/cleaning or to increase pressure in low pressure conditions.

5. Claims 24 and 27-29 are allowed.

6. Claim 25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

7. Applicant's arguments with respect to claims 9-11, 14-18, 20, 22-29 has been considered but are moot in view of the new ground(s) of rejection.

However, in regard to the remarks on the Flynn reference, namely that the same is directed to non-critical cleaning and that the amounts of detergent would not

significantly matter, please note that with respect to the non-critical cleaning, please note that in items for human usage, cleaning is very critical. Certain contaminants (e.g. e-coli, salmonella, hepatitis) have been known to be fatal to human beings and the removal of these contaminants is of high importance. As for the expense of the additives being insignificant, while the cost may not be as high as that of surfactants employed in the semiconductor industry, the amount of additives/chemicals supplied is critical. Insufficient amounts of additives/chemicals in the cleaning process may still leave contaminants on the articles presenting a possible unsafe condition. Furthermore contrary to applicant's remarks, McNamara recognizes that the expense of the chemicals can be "relatively high" and the chemical should be metered accurately.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Yang et al., Yoshikawa et al., Halbmaier, Guidi et al., Jung et al., Bardina et al., Phenix et al., Kamikawa et al., and Kawano et al., note the cleaning means.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached M-F from 5:30 a.m. to 2:00 p.m. and some Saturdays from 5:30 a.m. to 11:30 a.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to TECHNOLOGY CENTER 1700 (571) 272-1700.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact the TEAM LEADER Ms. Nicol Scott (571) 272-1045.

fls



FRANKIE L. STINSON
Primary Examiner
Art Unit 1746